

Notice of Allowability

Application No.

09/940,276

Applicant(s)

HUFFMAN ET AL.

Examiner

CLEMENT B. GRAHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 11/15/07.
2. ☒ The allowed claim(s) is/are 1-5, 9-11, 13-1520-21, 28, 40-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

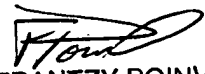
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/28/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRANTZY POINVIL
PRIMARY EXAMINER

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Allowable Subject Matter

Claims 1-5, 9-11, 13-15, 20-21, 28, 40-49 are allowed.

The following is a statement of reasons for indication of allowable subject matter.
The prior art fails to teach, or suggest, the limitations of:

"receiving, via a user interface, a value for each of a plurality of coefficient drivers, wherein each coefficient driver provides information defining a market value of a creator of digital content, dynamically setting a conditioning coefficient based on the selected coefficient driver values".

"(as in Claims 1-5, 9-11, 13-15, 20-21, 28, 40-49);

Barraitz et al (US Patent : No: 6, 029, 145) discloses Products may also be licensed based on particular usage metrics, as appropriate for the product in question. For example, a sorting product might be licensed based on how many sort operations the licensee uses it for, based on the number of bytes of data sorted, on the number of records sorted, or on some combination of these factors. A product providing database inquiry capability might be licensed based on the number of inquiries performed, perhaps weighted by the complexity level of each inquiry. A product that performs a number of disparate scientific or engineering calculations might assign a charge-value for each type of calculation and, then base license fees on the aggregate of these values. Or, it might instead simply keep track of the total CPU-time used in performing calculations, and base licenses on this value.

Licenses based on usage metrics may be of the "electric meter" type, in which actual usage is measured, and paid for by the licensee on a periodic basis (monthly, quarterly, etc.). Licenses may be based on a mutually agreed-to "cap", such that any amount of usage that does not exceed the cap is covered by a fixed periodic payment, or perhaps by a single initial payment, with additional fees due only if the cap is exceeded in a given measurement period. This latter arrangement is similar to the maintenance contracts on office copiers, commonly permitting no more than, but any amount fewer than, a stated maximum number of copies per month.

Neither this Patent, alone nor in combination with others, disclose nor teach the feature of "receiving, via a user interface, a value for each of a plurality of coefficient drivers,

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wherein each coefficient driver provides information defining a market value of a creator of digital content, dynamically setting a conditioning coefficient based on the selected coefficient driver values”.

Tycksem Jr (US Patent :5898777) discloses, The present invention provides a system for distributing and selling a digital product to a plurality of consumers where each consumer has an associated consumer machine and the digital product includes digital content useable on the consumer machines. A product conversion process reversibly converts the digital product to a public state unusable on the consumer machines. A product packaging process couples as a packaged product the digital product in its public state and a point of sale program executable on the consumer machines. The point of sale program can read the digital product in its public state and deliver an operable form of the digital product to a consumer machine for use thereon. A public distribution process makes the packaged product publicly available to a plurality of potential consumers by transfer or copy among digital storage media. In a consumer executed purchase and delivery process, a given member of the potential consumers executes the point of sale program on his or her consumer machine and selects the digital product for purchase. The point of sale program obtains from the consumer financial information, relays the financial information to a banking entity, obtains authorization to debit the purchase amount from the customer account, and thereafter delivers the product by copying a useable form of the digital product onto storage media of the given consumer machine for use thereon.)

Neither this Patent, alone nor in combination with others, disclose nor teach the feature of “receiving, via a user interface, a value for each of a plurality of coefficient drivers, wherein each coefficient driver provides information defining a market value of a creator of digital content, dynamically setting a conditioning coefficient based on the selected coefficient driver values”.

① Convera Corporation **Announces Expected Financial Results for the First Quarter of FY 2002; Company Implements Program to Control Costs** Business Editors/Hi-Tech Writers. Business Wire. New York: May 10, 2001. pg. 1) discloses the downturn in the economy has caused some prospective customers to re-evaluate and defer their

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content management initiatives," said Patrick C. Condo, president and CEO of Convera . "This resulted in Convera closing fewer contracts than previously expected during the quarter. We firmly believe Convera, through its family of products, its base of some 700 customers worldwide and its strong financial resources, is uniquely positioned to achieve long-term success in the digital content management market segment. However, in order to realize this success in the future, we must take very difficult but essential steps in the near-term to reduce spending in this economic environment. These actions will result in a lower cost structure without compromising our ability to execute our strategy in the long run."

Convera serves nearly 700 customers in 29 countries from its offices throughout the U.S. and Europe. VIENNA, Va.--(BusinessWIRE--May 10, 2001 (Nasdaq:CNVR), a leading provider of advanced technologies, products and solutions for managing multimedia digital content, announced today that it expects total revenues for the first quarter ended April 30, 2001 to range from \$5 million to \$6 million and an EBITDA loss per share in the range of \$0.36 to \$0.40.

The Company also announced that in response to the downturn in the economy and in conjunction with the consolidation of operations following the Excalibur/ combination, it is restructuring its business operations. As part of the restructuring, will reduce its total workforce by approximately 15%. The reduction in force will affect employees, independent contractors and temporary workers.

The company plans to disclose specific estimates for costs savings and restructuring charges associated with these measures during a first quarter results conference call scheduled for May 24, 2001.

"The downturn in the economy has caused some prospective customers to re-evaluate and defer their content management initiatives," said Patrick C. Condo, president and CEO of. "This resulted in closing fewer contracts than previously expected during the quarter. We firmly believe, through its family of products, its base of some 700 customers worldwide and its strong financial resources, is uniquely positioned to achieve long-term success in the digital content management market segment. However, in order to realize this success in the future, we must take very difficult but

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essential steps in the near-term to reduce spending in this economic environment. These actions will result in a lower cost structure without compromising our ability to execute our strategy in the long run."

Convera, the new company formed when Excalibur Technologies combined with Intel's Interactive Media Services division, is a leading provider of innovative software products that manage multimedia digital content.

Convera 's advanced technologies, products, services and solutions empower content owners to extract value from their high-worth digital content--text, images and video--over the Internet, intranets, set top boxes and wireless devices.

The following are worldwide trademarks of Convera or its subsidiary Convera Technologies, Inc.: Convera (TM), Retrieval Ware(R), Screening Room(R), Web Express(TM) and their respective logos.

This release contains comments about Convera 's future expectations, performance, plans and prospects as well as assumptions about future events.

The reader is cautioned not to put undue reliance on these forward- looking statements, as these statements are subject to numerous factors and uncertainties, including without limitation, business and economic conditions, continued success in technological advances, and the risk that the businesses that were merged to create Convera, the Interactive Media Services Division of Intel Corporation and Excalibur Technologies, Inc., will not be integrated successfully. Actual results may differ materially from our expectations as the result of these and other important factors relating to Convera's business and product development efforts, which are further described in Excalibur's filings with the Securities and Exchange Commission.

Neither this non-patent literature, alone nor in combination with others, , disclose nor teach the feature of "receiving, via a user interface, a value for each of a plurality of coefficient drivers, wherein each coefficient driver provides information defining a market value of a creator of digital content, dynamically setting a conditioning coefficient based on the selected coefficient driver values ".

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement Graham whose telephone number is (571) 272-6795. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status


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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C GRAHAM

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Feb, 15, 2008


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